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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/801,688	03/09/2001	Seppo Reino Keronen	169.1469CIPI	3272

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EXAMINER	
FUREMAN, JARED	
ART UNIT	PAPER NUMBER
2876	

DATE MAILED: 01/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/801,688	KERONEN ET AL.	
	Examiner	Art Unit	
	Jared J. Fureman	2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

P riod for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 October 2003*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-60* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-60* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *09 March 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

13)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

a) ☐ The translation of the foreign language provisional application has been received.

14)☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 092403 & 102003
4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Receipt is acknowledged of the IDS, filed on 9/24/2003, the amendment and IDS, filed on 10/20/2003, all of which have been entered in the file. Some references on the IDS, filed on 10/20/2003, have been lined through since they were cited on a previous IDS. Claims 1-60 are pending.

Claim Objections

1. Claims 28, 41, 42, 47, and 52 are objected to because of the following informalities:

Re claims 41, 42 and 47, line 7: "that" should be replaced with --a--, in order to avoid a lack of proper antecedent basis for "that surface".

Re claim 52, line 6: "that" should be replaced with --a--, in order to avoid a lack of proper antecedent basis for "that surface".

Re claim 28, line 2: "second" should be deleted, since claim 27 defines the information as being located on the computer device (see claim 27, line 10), not the second computer device.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim Rejections - 35 USC § 103

3. Claims 1-6, 9, 10, 13, 14, 41-53, 56, 57, and 60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Combaluzier (WO 95/35534 A1, previously cited) in view of Inoue et al (US 6,249,644 B1, previously cited).

Combaluzier teaches a customizable user interface system, a control template for a user interface system, a read device for a control template interface card, comprising: a card (3) comprising a substrate, a memory device (chip 18) associated therewith, and indicia (data 14, being symbols or ideagrams) formed on the substrate and user interpretable to relate to functions (the functions defined by the indicia) stored within the memory (the functions defined by the indicia), a reader device (control housing 1) for the card comprising a touch sensitive device (keys 13) arranged to overlay an inserted card and through which the indicia are visible, characterized in that the touch sensitive device comprises a membrane (transparent material) via which the indicia may be selected, the indicia are arbitrarily positioned and arbitrarily shaped on the substrate (the indicia are arranged and shaped arbitrarily in that the indicia are arranged shaped based on the discretion of the card manufacturer), wherein selection of indicia is determined in relation to bounding boxes delineating the indicia (as shown in figures 6 and 7 the indicia have boxes around the indicia), mapping data stored within the memory device and defining a mapped position of each of the indicia relative to the substrate (the chip 18 stores data relating to the indicia and their position on the card, which is used to program the control housing 1), the mapped position of each of the indicia is determined in relation to a bounding box, including diagonally opposed corners

of the bounding box, delineating each indicia (as shown in figures 6 and 7 the indicia have boxes around the indicia), the read device including means (connector 4, interface 5, microprocessor 9) for reading the memory device formed in the card in response to a users touch of the membrane (see abstract, figures 1, 2, 5-9, page 3 line 26 - page 4 line 21, page 5 lines 1-7, page 6 line 14 - page 9 line 27).

Combaluzier fails to specifically teach the membrane being responsive to a touch applied anywhere on the membrane, and the indicia are arranged on the card independently of where the touch can be applied to the membrane to select the indicia; the card storing a command and memory address associated with a user selected one of the indicia in the memory device, the command and memory address being used to read a specific image data to a user display from an image store that is located in proximity to the user, wherein the reader device/reading means reads a command and memory address associated with a user selected one of the indicia from the memory card and outputs the command and memory address to an external device having an image store that is located in proximity to the user to display a specific image on a display.

Inoue et al teaches an interface system comprising: a card (an index print) comprising a substrate, indicia (the images on the index print) formed on the substrate, a reader (remote control 19) for the card, the reader comprising a touch sensitive membrane (transparent touch panel 19a) arranged to overlay an inserted card and through which the indicia are visible (see figure 3) and may be selected, the membrane being responsive to a touch applied anywhere on the membrane (the touch panel 19a

will sense a touch applied anywhere on the touch panel), and the indicia are arranged on the card independently of where the touch can be applied to the membrane to select the indicia (there are no requirements for the location of the indicia on the card, they may be arranged anywhere on the card); the reader being adapted to output specific command and address data associated with a user selected one of the indicia (the remote control is used to identify the specific frame selected by the user and command the film player 51 to output image data corresponding to the indicia to the monitor 55) to a external device (film player 51), having an image store (film cartridge 52 placed in film player 51) that is located in proximity to the user to display a specific image (the image corresponding to the image on the index print) on a display (monitor 55) (see figures 1, 3, 8-10, column 1 line 8-12, column 4 lines 44-60, column 5 lines 52-54, column 7 lines 39-49, and column 8 lines 36-42).

In view of Inoue et al's teachings, it would have been obvious to one of ordinary skill in the art at the time of the invention to include, with the system as taught by Combaluzier, the membrane being responsive to a touch applied anywhere on the membrane, and the indicia are arranged on the card independently of where the touch can be applied to the membrane to select the indicia; the card storing a command and memory address associated with a user selected one of the indicia in the memory device, the command and memory address being used to read a specific image data to a user display from an image store that is located in proximity to the user, wherein the reader device/reading means reads a command and memory address associated with a user selected one of the indicia from the memory card and outputs the command and

memory address to an external device having an image store that is located in proximity to the user to display a specific image on a display, in order to provide the ability to use the reader to access and display stored images, thereby increasing the versatility of the system.

4. Claims 7, 8, 11, 12, 54, 55, 58, and 59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Combaluzier as modified by Inoue et al in view of Munyan (US 5,761,485, previously cited).

The teachings of Combaluzier as modified by Inoue et al have been discussed above.

Combaluzier as modified by Inoue et al fails to specifically teach the command and memory address being used to down-load specific image data to a user display over a network from an image store that is located remotely from the user.

Munyan teaches an image display system including, using a command and memory address (a command and memory address associated with icons 101) to down-load specific image data (image data associated with icons 101) to a user display (display screen 20 or 30) over a network (telephone lines 9, for example) from an image store (database storage devices 16) that is located remotely from the user (see figures 1, 3, column 1 lines 5-15, column 4 lines 63-67, column 5 lines 66 - column 6 line 58, column 7 lines 16-58, column 8 line 66 - column 9 line 4, column 10 lines 63-67, column 11 lines 57-62, column 12 lines 43-49, column 14 lines 26-32, and column 15 lines 47-60).

In view of Munyan's teachings, it would have been obvious to one of ordinary skill in the art at the time of the invention to include, with the system as taught by Combaluzier as modified by Inoue et al, the command and memory address being used to down-load specific image data to a user display over a network from an image store that is located remotely from the user, in order to provide access to a greater amount and variety of image data, by making use of remote image stores.

5. Claims 15-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Combaluzier as modified by Inoue et al in view of Kitagawa et al (US 6,032,857, previously cited).

The teachings of Combaluzier as modified by Inoue et al have been discussed above. Combaluzier also teaches a smart card (3) to be inserted into a card reader (control housing 1) that communicates with another device (an electrical apparatus, for example, radios, electrical communication apparatus with station search, digital telephone networks, bar code readers, see page 8, lines 13-21), the smart card comprising: a memory (chip 18) for storing a command, and an indicium (14) on the card that is associated with the command (the indicium is indicative of a command/function stored in the card in association with the indicium), wherein the command is sent to the other device by selecting the indicium, the card reader comprising a processor (9) for retrieving data from a memory (chip 18) of the card, and sending the data to another device (see the abstract, figures 1, 2, 5-9, page 3 line 26 - page 4 line 21, page 5 lines 1-7, page 6 line 14 - page 9 line 27).

Combaluzier as modified by Inoue et al fails to specifically teach the card reader communicating with a computer device (or second computer device), the memory storing an address that is pointing to a remote location in a second computer device (or a computer device) at which information is stored, wherein the information is accessed via a communication line between the computer device (or second computer device) and the second computer device (or the computer device), wherein the information is an application that is located on the second computer device (or the computer device), wherein the information is accessed via the communication line when selected by the user, wherein the access is carried out by sending a command from the card reader to the second computer device (or computer device) via the computer device (or second computer device), wherein the information is loaded from the second computer device (or computer device) to the computer device (or second computer device), the computer device (or second computer device) comprising a processor for receiving a command from the card reader, and a computer program containing code to be executed in a computer device (or a second computer device) for communicating with a card reader.

Kitagawa et al teaches a system and method including a card (10) adapted for insertion into a card reader (33) that communicates with a first/second computer device (for example: personal computer 32), the card comprising a memory (103) storing an address (for example: a network addresses for direct mail advertising) that is pointing to a remote location in a first/second computer device (a computer storing electronic direct mail advertising) at which information is stored (the direct mail advertising), wherein the information is accessed via a communication line (7) between the first/second computer

device and the first/second second computer device, wherein the information is an application (a direct mail advertising application) that is located on the first/second computer device, wherein the information is accessed via the communication line when selected by the user (when the user inserts their card into the card reader 33 and computer 32), wherein the access is carried out by sending a command (a command to access the direct mail advertising address) from the card reader to the first/second computer device via the first/second computer device (the card reader reads the direct mail address, sends the direct mail address to the computer 32, which then sends the direct mail address to the network 7, and finally the first/second computer), wherein the information (the direct mail advertising) is loaded from the first/second computer device to the first/second computer device, the first/second computer device comprising a processor (not shown, but necessarily present in computer 32) for receiving a command from the card reader, and a computer program containing code to be executed in a first/second computer device for communicating with a card reader (see figures 1-3, 7, 8, column 1 lines 36-44, 54-60, column 2 lines 21-30, 42-52, column 3 line 43 - column 4 line 64, column 6 line 61 - column 7 line 4, column 7 lines 30-35, column 8 lines 3-43, and column 10 lines 1-32).

In view of Kitagawa et al's teachings, it would have been obvious to one of ordinary skill in the art at the time of the invention to include, with the system as taught by Combaluzier as modified by Inoue et al, the card reader communicating with a computer device (or second computer device), the memory storing an address that is pointing to a remote location in a second computer device (or a computer device) at

which information is stored, wherein the information is accessed via a communication line between the computer device (or second computer device) and the second computer device (or the computer device), wherein the information is an application that is located on the second computer device (or the computer device), wherein the information is accessed via the communication line when selected by the user, wherein the access is carried out by sending a command from the card reader to the second computer device (or computer device) via the computer device (or second computer device), wherein the information is loaded from the second computer device (or computer device) to the computer device (or second computer device), the computer device (or second computer device) comprising a processor for receiving a command from the card reader, and a computer program containing code to be executed in a computer device (or a second computer device) for communicating with a card reader, in order to provide large amounts of information to the user while using a minimum amount of memory on the card (see column 8 lines 19-43 of Kitagawa et al).

Response to Arguments

6. Applicant's arguments filed 10/20/2003 have been fully considered but they are not persuasive.

In response to applicant's argument that the prior art does not teach or suggest selecting indicia via a membrane of a touch sensitive device, wherein the membrane is responsive to a touch applied anywhere on the membrane, and the indicia are arranged on the card independently of where the touch is appliable to the membrane to select the indicia (see pages 27-32 of the amendment filed on 10/20/2003), Inoue teaches a single

touch sensitive panel 19a that is responsive to a touch applied anywhere on the touch sensitive panel (the touch sensitive panel does not have separated, individual "keys" as taught by Combaluzier). Thus, the indicia on the index print are not required to be located under any specific location of the touch sensitive panel, the system can be arranged to sense a touch over indicia at any location on the index print. Thus, the indicia may be arranged on the index print independently of where a touch is appliable to the touch sensitive panel (since the touch sensitive panel is not separated into individual "keys", like Combaluzier). Thus, the combined teachings of Combaluzier and Inoue et al meet the claimed limitations.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jared J. Fureman whose telephone number is (571)

272-2391. The examiner can normally be reached on 7:00 am - 4:30 PM M-T, and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Jared J. Fureman
Art Unit 2876

January 24, 2004